

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KYLE W. DAVIS,

Plaintiff,

v.

VIC SAMUELSON, *et al.*,

Defendants.

Case No. C08-5078FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AND DISMISSING CAUSE OF
ACTION

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's causes of action are DISMISSED due to Plaintiff's failure to respond to the court's order to show cause and pursuant to Heck v. Humphrey, 114 S.Ct. 2364 (1994);
- (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel of record, and to the Hon. J. Kelley Arnold.

DATED this 11th day of April 2008.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE